

Chapter 3 Application of Liquid Livestock Manure Using Spray Irrigation Systems

Sec. 5-3-1 Authority

This ordinance is adopted pursuant to the authority granted under Wis. Stats. 59.02, 59.03(1) and 59.04 to enact ordinances and regulations promoting and protecting the health, safety, welfare, and convenience of the public, and defining and prohibiting public nuisances.

Sec. 5-3-2 Purpose and Findings

The County Board has researched the subject of spray irrigation of manure and, in doing so, has reviewed the following materials which raise concerns over the use of spray irrigation of manure and agricultural wastes through sprinkler systems, traveling guns, and center pivot irrigation:

- (a) University of Nebraska - Lincoln Extension publication entitled "Application of Liquid Animal Manures Using Center Pivot Irrigation System", which suggests that the application of manure by center pivot manure distribution systems offers a large potential for significant odor release.
- (b) Report of Robert Thiboldeaux, Wisconsin Division of Public Health, to Ken Johnson, Regional Water Leader, Wisconsin Department of Natural Resources, dated February 17, 2011, regarding public health setbacks for manure spray irrigation, which recognized that the Division of Health Services recommends that land application of manure liquids be managed to minimize impacts, particularly nuisance odor, that might inhibit the full use and enjoyment of neighboring private residences.

The Bayfield County Board has determined, based upon its review and research of materials as described above, that spray irrigation systems for irrigating liquid manure and agricultural wastes through sprinkler systems, traveling guns, and center pivot irrigation systems are a detriment to the health, safety, welfare, and convenience of the public, as they distribute manure odors recognized as a contributing factors to reduced quality of life, and that prohibition of spray irrigation systems for liquid livestock manure is in the best interests of the Bayfield County residents' public health, safety, general welfare and convenience.

Sec. 5-3-3 Definitions

- (a) "Center Pivot Irrigation" means a system for spreading liquid livestock manure which involves a single lateral, fixed at one end and elevated on wheels that transport the lateral around the field at some speed of rotation.
- (b) "Livestock" means domestic animals traditionally used in this state in the production of food, fiber or other animal products. "Livestock" includes cattle, swine, poultry, sheep, goats and mink.

- (c) "Manure" means excreta from livestock kept at a livestock facility.
- (d) "Sprinkler Systems" means a system for spreading liquid livestock manure which involves a network of hoses or pipes with sprinklers on risers.
- (e) "Traveling Guns: means a system for spreading liquid livestock manure with a sprinkler containing a large nozzle mounted on a wheeled unit that is propelled through the field.

Sec. 5-3-4 Liquid Livestock Manure Spraying Prohibited

No person shall spray liquid livestock manure above ground by use of a sprinkler system, traveling gun or center pivot irrigation in Bayfield County.

Sec. 5-3-5 Creation of Public Nuisance Prohibited

No person shall create a substantial threat to public health or safety by the spraying of liquid manure above ground by use of a sprinkler system, traveling gun, or center pivot irrigation in Bayfield County.

Sec. 5-3-6 Exemptions

This ordinance does not apply to the more common livestock manure spreading applications, including the following: box spreader, liquid manure tanker or drag hoses with knife injectors. In addition, this ordinance does not apply to the aerial spraying of treated municipal wastewater.

Sec. 5-3-7 License Penalties

Any person violating section 4 of this ordinance shall be subject to a forfeiture of not less than \$500 nor more than \$5,000 for each violation. Any person violating section 5 of this ordinance shall be subject to a forfeiture of not less than \$2,000 nor more than \$10,000 for each violation. Each day that a violation exists shall be considered a separate violation. In addition, upon conviction, the person in violation shall be subject to the imposition of court costs, actual expenses incurred by the County, engineering expenses if incurred, and actual and reasonable attorney fees incurred.

Sec. 5-3-8 Abatement of Violation

The Bayfield County Land and Water Conservation Committee may, in its discretion, require that a person in violation of this ordinance be enjoined from and prohibited from further violation of this ordinance upon order of a court of competent jurisdiction. In such event, the County shall be entitled to recovery of all costs and expenses incurred in such action, including engineering fees and actual and reasonable attorney fees.